



**JAN SUMRALL**  
DISTRICT NO. 1

**ROSE RODRIGUEZ**  
DISTRICT NO. 2

**LARRY M. MEDINA**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**LUIS G. SARIÑANA**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JUNE 26, 2001  
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor George Rogers, First Presbyterian Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibits on file with this Resolution in the City Clerk's office)**

- 1. One (1) gelatin silver print by artist Carlos Gutierrez entitled "El Soldado," offered by the artist; and**
- 2. One (1) untitled gelatin silver print by artist Gloria Prieto offered by the artist.**

**Mr. Bill Thompson, Museum Coordinator, thanked the artists for their generous gifts.**

**Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.**

**Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {\*}).**

**Representatives Sumrall and Power were not present for the vote.**

**\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of May 15, 2001.**

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Agreement SW-460 between the **CITY OF EL PASO** and the **DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for the replacement of the existing Runway Visibility Value with a new generation Runway Visual Range (RVR) for Runway 22 at the El Paso International Airport.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), Tri State Auto Rentals, Inc. (Assignor) and Midwest Car Corporation (Assignee) for the following property: Lot 1, Block 1B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the City Council approve the following proposed amendments to the Community and Human Development Housing Programs Handbook:

THAT Chapter 1, Program Goals and General Authority of the Director of Community and Human Development, Section IV., Application Approval Authority, be amended by adding to City Council's approval authority, the delegation of approval authority to the Director of Community and Human Development; and

THAT Chapter 2, Program for the Rehabilitation of Investor-Owned Properties located in the Magoffin Historic District, Section II., Financing, be amended to stipulate that a pre-development loan will have a term of one year and that final design plans, must be completed within six months; and that Chapter 2 be amended to include the revised Fiscal Year 2001 HOME Program rents and income limits issued by HUD, as Attachment A; and

THAT Chapter 3, Loan/Grant Owner-Occupied Program, Section I. A., Terms, be amended to increase the maximum amount of financial assistance available to rehabilitate a low-income homeowner's residence from \$24,000 to \$34,000; and to increase the amount of a supplemental loan from \$5,000 to \$10,000 where the rehabilitation of a dwelling unit must include construction work required to meet historic preservation design guidelines; and to increase the term of a loan/grant from twenty to thirty years; and that Section II. B. 3., Eligibility, be amended to increase the loan to value ratio from 110% to 120% and to increase the maximum value before rehabilitation noted subsection B. 4 from \$60,000 to \$70,000; and

THAT Chapter 4, Special Programs, Section I., Energy Conservation Program, and Section II., Accessibility Grant Program, be amended to increase the term of the loan/forgivable grant from twenty to thirty years; and that Section II. A. 3., Accessibility Grant Program, Terms, be amended to increase the maximum allowable cost for a physical therapist's analysis/assessment from \$200 to \$300; and

THAT Chapter 5, HOME Reconstruction Program, Section I. A., Program Description, Terms, be amended to increase the amount of basic financing from \$24,000 to \$34,000 and to increase the term of the loan/grant from twenty to thirty years and the loan to value ratio from 110% to 120%; and Section II. D

Eligibility, Income Guidelines, be amended to include the revised household income limits applicable to this Chapter; and

THAT Chapter 6, Program for the Rehabilitation of Investor-Owned Properties, be amended to require a five year affordability period for projects with a per unit cost of up to \$15,000, a ten year affordability period for projects with a per unit cost between \$15,000 and \$40,000, a fifteen year affordability period for projects with a per unit cost exceeding \$40,000; and that Section I. B. 4., Eligibility Requirements, be amended to increase the loan to value ratio from 110% to 120%, and to increase the term of the loan/grant from twenty to thirty years, and to increase the amount of the in-house design fee from \$250 to \$300 per unit; and

THAT Chapter 7, be amended to incorporate the First Time Home Buyers Program; and be amended to increase the maximum purchase price of a home from \$60,000 to \$65,000, and to increase the term of the loan to thirty years.

THAT Chapter 8, Program for the Rehabilitation of Investor-Owned Properties located in the Old San Francisco Historic District be deleted in its entirety and the Housing Re-Bidding Policy (previously Chapter 7) be inserted as Chapter 8; and

THAT Chapter 9, Refinancing Policy, be amended to allow the interchangeability of federal funding sources by including CDBG funds and to increase the loan to value ratio from 110% to 120%; and

THAT the handbook be amended throughout to include other minor technical revisions and clarifications, as attached, and as recommended by the Director of Community and Human Development.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Council authorize the Director of Community and Human Development to approve all Owner-Occupied Rehabilitation or Reconstruction Applications and related Special Assistance Applications, and all First-Time Homebuyer Applications, provided that the approvals are in accordance with application criteria and requirements identified in Chapters 3, 4, 5 and 7, respectively, in the Housing Programs Handbook adopted by the City Council and any amendments adopted thereto, with the review and approval of the City Attorney's Office. An applicant will have the right to appeal the Director's decision with regard to the above Applications to the City Council in accordance with Chapter 1 of the Housing Programs Handbook.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Liens whereby the City releases its liens in the amounts of THIRTEEN THOUSAND NINE HUNDRED AND NO/100THS DOLLARS (\$13,900.00 - \$5,894 loan/\$8,006 grant) and ONE THOUSAND ONE HUNDRED NINE AND NO/100THS DOLLARS (\$1,109.00 - \$554 loan/\$555 grant) against the following described real property:

The South 36 feet of Lots 13, 14, 15, and 16, Block 10, FRANKLIN ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 611 N. Noble, El Paso, Texas 79902.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE HUNDRED FORTY-SIX AND 99/100<sup>THS</sup> DOLLARS (\$146.99).

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 1500-093-057-1, City of El Paso Concentration Account:

- GROUP 1     Wendy N. Hebestreit, Comptroller  
                 Frank Keton, Accountant IV  
                 Debra Tombosky, Accountant III  
                 Robert E. Blackwood, Accountant IV
- GROUP 2     Carole Hunter, City Clerk  
                 David Almonte, Director, Office of Management & Budget
- GROUP 3     Raymond C. Caballero, Mayor  
                 Larry M. Medina, Mayor Pro Tempore  
                 Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 7206-109-417-3, City of El Paso Employee Health Benefits Account:

- GROUP 1     Wendy N. Hebestreit, Comptroller  
                 Frank Keton, Accountant IV  
                 Debra Tombosky, Accountant III  
                 Robert E. Blackwood, Accountant IV
- GROUP 2     Carole Hunter, City Clerk  
                 David Almonte, Director, Office of Management & Budget
- GROUP 3     Raymond C. Caballero, Mayor  
                 Larry M. Medina, Mayor Pro Tempore  
                 Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 1500-093-065-9, City of El Paso Payroll Account:

- GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Accountant IV
- GROUP 2 Carole Hunter, City Clerk  
David Almonte, Director, Office of Management & Budget
- GROUP 3 Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 1500-093-001-0, City of El Paso Pension Payroll Account:

- GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Accountant IV
- GROUP 2 Carole Hunter, City Clerk  
David Almonte, Director, Office of Management & Budget
- GROUP 3 Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 7206-114-997-7, TML Intergovernmental Empl. Benefits Pool:

- GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Accountant IV
- GROUP 2 Carole Hunter, City Clerk  
David Almonte, Director, Office of Management & Budget
- GROUP 3 Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 1500-227-045-2, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

- GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Robert E. Blackwood, Accountant IV
- GROUP 2 Carole Hunter, City Clerk  
David Almonte, Director, Office of Management & Budget
- GROUP 3 Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Chase Manhattan Bank of Texas, Account Number 1500-201-977-6, Tax Overpayment Refunds Account, and Account Number 1500-201-978-4, Prepaid Property Taxes Account:

- GROUP 1 Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Hugh Pankratz, Disbursements Supervisor  
Yanahalte Alatorre, Accountant III  
Robert E. Blackwood, Accountant IV

**GROUP 3** Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

**NOTE:** Resolution was revised to read:

<b>GROUP 2</b>	<b>Carole Hunter, City Clerk</b>
<b>adding</b>	<b>Juan Sandoval, Tax Assessor / Collector</b>
<b>and</b>	<b>Robert D. Henderson, Tax Deputy</b>
	<b>Administrator</b>

## \*RESOLUTION

**GROUP 1** Wendy N. Hebestreit, Comptroller  
Frank Keton, Accountant IV  
Debra Tombosky, Accountant III  
Hugh Pankratz, Disbursements Supervisor  
Yanahalte Alatorre, Accountant III  
Robert E. Blackwood, Accountant IV

**GROUP 2** Carole Hunter, City Clerk  
Juan F. Sandoval, Tax Assessor / Collector  
Robert D. Henderson, Tax Deputy Administrator

**GROUP 3** Raymond C. Caballero, Mayor  
Larry M. Medina, Mayor Pro Tempore  
Luis G. Sariñana, Deputy Mayor Pro Tempore

## \*RESOLUTION

sites, at a cost estimated to be \$135,000. In-kind services in the amount of \$119,873 will be provided as a match on the part of the City. The grant would have a start date of October 1, 2001; no end date is specified.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with a transformer site to the El Paso Electric Company on a portion of Section 23, Block 81, Township 1, Texas & Pacific Railroad Survey, El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with a transformer site to the El Paso Electric Company on a portion of Lot 4, Block 2B, El Paso International Airport Tracts Replat Unit 4, El Paso County, Texas.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with transformer sites to the El Paso Electric Company on a portion of Lot 1, Block 1, Butterfield Trail Aviation Park, El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and submit the COPS MORE 98 28 C.F.R. Part 23 Certification to the U.S. Department of Justice, Office of Community Oriented Policing Services, certifying that the Part 23 regulations are not applicable to the Police Department's COPS MORE 98 grant.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the EL PASO MUNICIPAL POLICE OFFICERS' ASSOCIATION which will allow a sixty day extension to the time period specified in the 1997-2000 Articles of Agreement between the City and the Association in which the police lieutenant's exam be administered.

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\*Motion made, seconded and unanimously carried to delete the Resolution that an amendment be made to the Agreement with KPMG, LLP in conjunction with Request For Proposal No. 97-0225 (for professional auditing services) for additional special auditing services for the Police Department, in an amount not to exceed \$10,000.00, and that the Mayor be authorized to sign and accept the engagement letter from KPMG, LLP amending the agreement.



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering the exhibition, "Cordova Island," at the Cielo Vista Branch of the El Paso Public Library System for the month of July, 2001. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Dinner
Licensee:	Mexican American Bar Association of El Paso
Date:	September 22, 2001
Time:	6:00 p.m. - 10:00 p.m.
Charge for Space:	\$1,500.00
Charge for Staff (est.):	\$560.00
Charge for Insurance:	\$150.00
Area(s):	Special Events

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) lithograph by artist Merritt Mauzey entitled "West Texas," valued at \$450.00

with funds provided by the Museum's Docents.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) installation by artist Carlos Gutierrez entitled "9 Pink Squares," valued at \$3,700

with funds provided by the Lipscomb Foundation Endowment.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) installation by artist Joe Havel entitled "Enough," valued at \$7,500

with funds provided by the Lipscomb Foundation Endowment and Anonymous Donors. The total purchase price of SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO/100 (\$6,750.00), includes a SEVEN HUNDRED FIFTY DOLLARS AND NO/100 (\$750.00) discount to the Museum.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) lithograph by artist Ed Paschke entitled "Missile," valued at \$950.00;
2. One (1) lithograph by artist Roger Shimomura entitled "Mix and Match No. 1," valued at \$800.00;
3. One (1) lithograph by artist Robert Indiana entitled "Greenpeace Love," valued at \$800.00;
4. One (1) lithograph by artist Luis Jimenez entitled "War Horse," valued at \$950.00 and
5. One (1) lithograph by artist Luis Jimenez entitled "Tan Lejos de Dios; Tan Cercas de los Estados Unidos," valued at \$1,500.00

with funds provided by the Lipscomb Foundation Endowment. The total purchase price of FOUR THOUSAND FOUR HUNDRED FORTY FIVE DOLLARS AND NO/100 (\$4,445.00), includes a FIVE HUNDRED FIFTY FIVE DOLLARS AND NO/100 (\$555.00) discount to the Museum.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Exhibition Agreement with the Phoenix Art Museum covering the exhibition "Weaving China's Past: The Amy S. Clague Collection of Chinese Textiles" for the period October 13 to December 30, 2001. Costs of the exhibition shall include a \$9,500.00 rental fee plus pro-rated shipping expenses.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**SPORTS PROGRAMMING  
NO. 010215, SUB-OBJECT 202415**

1.     **CONTRACTOR:**     Oscar Arellano, Site Supervisor Youth Baseball  
       **DATES:**         June 12, 2001, thru August 31, 2001  
       **RATE PER GM:**     \$9.00  
       **MAXIMUM AMT:**    \$900.00  
       **CONTRACT:**       2000/2001-209
  
2.     **CONTRACTOR:**     Enrique Montes, Site Supervisor Youth Sports  
       **DATES:**         June 15, 2001, thru August 31, 2001  
       **RATE PER GM:**     \$10.00  
       **MAXIMUM AMT:**    \$1,000.00  
       **CONTRACT:**       2000/2001-210

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement.

                                    Mr. Aaron Medina                     Yucca Park

Representative Medina thanked Mr. Aaron Medina for his participation in this project. Mr. Aaron Medina is a relative of Representative Medina.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a two year Personal Services Contract in accordance with CSC Charter Article VI, Section 6.6-5, paragraph F, between the **CITY OF EL PASO** and Patricia Luna to coordinate a region wide effort to promote international relations for the Mayor's office at an annual salary of \$49,500.00. This contract is subject to the approval of the City's Civil Service Commission.

**NOTE:**             Resolution was revised from the agenda as it appears above.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Volunteer Services Agreement between the City of El Paso and Veronica Escobar for the Mayor's Office. This contract is subject to the approval of the City's Civil Service Commission. There is no cost to the City.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Temporary Personal Services Contract between the **CITY OF EL PASO** and **SALVADOR GONZALEZ-AYALA** to assist the Metropolitan Planning Organization (MPO) in the preparation of the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), the Congestion Mitigation System Plan (CMS), the transportation conformity reports, the MPO's Web Page, and other documents, plans and projects at the bi-weekly rate of \$2,692.31, for an average of 40 hours per week. The contract period shall be from July 1, 2001 through June 30, 2002 and is subject to the approval of the City's Civil Service Commission.

NOTE: Resolution was revised from the Agenda as it appears above.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Personal Services Contract between the **CITY OF EL PASO** and **ALIDA CHRISTINE RAMIREZ** as a case manager, Victim Services Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of July 1, 2001 through June 30, 2002. This contract is subject to the approval of the City's Civil Service Commission.

NOTE: Resolution was revised from the Agenda as it appears above.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a two year Personal Services Contract in accordance with CSC Charter Article VI, Section 6.6-5, paragraph F, between the City and the following contractor:

Alfredo Solano, El Paso Water Utilities Department, at a biweekly salary of \$1,772.92, to perform duties of Database Administrator.

NOTE: Resolution was revised from the Agenda as it appears above.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JESUS URIBE** as a case manager, Victim Services Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of July 1, 2001 through June 30, 2002. This contract is subject to the approval of the City's Civil Service Commission.

NOTE: Resolution was revised from the Agenda as it appears above.

## **\*RESOLUTION**

BE IT RESOLVED BY THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consent to Assignment from VAN WATERS & ROGERS to VOPAK USA INC. with respect to the City of El Paso's Contract No. 2000-018 to provide specific mosquito control chemicals to the City of El Paso Health Department.

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**\*RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9330 Roseway Drive (Rear), in El Paso, Texas, which property is more particularly described as:

Tract: 147, North Valumbrosa Unit 2, City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 39, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Antonio and Mary Valdez, 9330 Roseway Drive (Rear), El Paso, Texas 79907, are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

.....  
**\*RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 31<sup>ST</sup> day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8659 Holmsley Trail Drive, in El Paso, Texas, which property is more particularly described as:

Tract: 5, Block 6, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County, Texas for tax purposes.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, J. M. Escobar, 7227 North Loop Drive, El Paso, Texas 79915 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

.....  
\*Motion made, seconded and carried that the following First Time Home Buyers applications be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved applications.

- A. 01-06-FTHB/HLG-0484                      Loan: \$10,000.00  
Interest 0%                                      Grant: \$10,000.00  
4409 Memphis (03)                              Term: 360 months
- B. 01-06-FTHB/HL-0485                      Loan: \$20,000.00  
Interest 0%                                      Term: 357 months  
6380 Normandy Drive (25)
- C. 01-06-FTHB/HLG-0486                      Loan: \$10,000.00  
Interest 0%                                      Grant: \$10,000.00  
8533 Danube Circle (07)                      Term: 360 months

.....  
\*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Yvonne T. Herrera, Secretary II  
B. Jesus R. Ortega, Refuse Collection Route Foreman

.....  
\*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Recreation Leader II (seasonal) (1)  
B. Laborer, Zoo (2 positions)

.....  
\*Motion made, seconded and unanimously carried to delete the Staffing Table Change for Fire Department:

Delete	1	Fire Training Chief	F 7
Add	1	Fire Division Chief	F 6

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	3.0	Customer Relations Clerk
Delete	1.0	Personnel & Accounting Clerk
Delete	2.0	Clerk III

.....  
\*Motion made, seconded and unanimously carried to re-appoint Edward Moreno to the History Museum Board by Representative John Cook.

.....  
\*Motion made, seconded and unanimously carried to appoint Edmund A. Davis to the Community Center Screening Committee by Representative Sariñana.

.....  
\*Motion made, seconded and unanimously carried to appoint Thelma "Sandi" Caviness to the Mayor's Advisory Board on Aging by Representative Sariñana.

.....  
\*Motion made, seconded and unanimously carried to appoint Edward Moreno to the Mayor's Advisory Board on Aging by Representative John Cook.

.....  
\*Motion made, seconded and unanimously carried to appoint John T. Bohls to the RSVP Advisory Council by Representative John Cook.

\*Motion made, seconded and unanimously carried to appoint Irene Valenzuela to the Parks and Recreation Advisory Board by Representative Power.

\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Between 8820 & 8824 El Dorado to be paid out of District 5 discretionary funds (\$899.00) residents have paid their share.

NOTE: Motion was revised to read "(\$899.00)" instead of \$889.00 as shown on the Agenda.

\*Motion made, seconded and unanimously carried to approve the request to install 30 feet of guardrail on the side of the property located at 4882 Los Reales Drive. Cost estimate is \$2,069.65.

\*Motion made, seconded and unanimously carried to approve the request to install ten guard posts in front of 10301 Preston Drive. Cost estimate is \$1,298.68.

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #W145-999-0750-1700, \$298.00 per month installments on a balance of \$3,040.07 for 2000 taxes; Amador Jr. and Blanca L. Payan, - 1461 Desierto Rico.
- B. PID #V893-999-0700-0900, \$362.20 per month installments on a balance of \$2,069.73 for 2000 taxes; Isabel Hinojosa - 10752 Janway Dr.
- C. PID #R231-999-0010-0600, \$246.40 per month installments on a balance of \$2,443.62 for 2000 taxes; Lilia (LE) & Jose L. Gomez - 5971 Westside Dr.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Oakwood Acceptance Corporation in the amount of \$829.78, overpayment of 1998 taxes. (PID #98MH-999-0000-0190)
- B. Trans America Real Estate Tax Service in the amount of \$3,690.23, overpayment of 2000 taxes. (PID #C340-999-1430-0700)
- C. Richard D. or Sylvia Montes in the amount of \$1,070.80, overpayment of 2000 taxes. (PID #C776-999-0000-4600)
- D. Trans America Real Estate Tax Service in the amount of \$2,429.19, overpayment of 2000 taxes. (PID #D461-999-0010-5700)
- E. Lawyers Title of El Paso in the amount of \$658.13, overpayment of 1999 taxes. (PID #H454-999-0010-4800)
- F. Trans America Real Estate Tax Service in the amount of \$1,580.76, overpayment of 1999 taxes. (PID #H817-999-0040-1700)
- G. Cendant Mortgage Tax Department in the amount of \$1,753.01, overpayment of 2000 taxes. (PID #L769-999-0110-4900)
- H. Enrique Diaz in the amount of \$1,200.00, overpayment of 2000 taxes. (PID #M056-999-0320-1700)
- I. North America Mortgage Company in the amount of \$5,138.31, overpayment of 1999 taxes. (PID #M327-999-0080-0300)
- J. Cendant Mortgage Tax Department in the amount of \$1,485.70, overpayment of 2000 taxes. (PID #M771-999-0120-0600)
- K. Trans America Real Estate Tax Service in the amount of \$914.36, overpayment of 1999 taxes. (PID #P324-999-0290-8200)



- L. Michael Kuo and Gail Wang in the amount of \$1,806.83, overpayment of 1999 taxes. (PID #S332-999-0010-2000)
- M. Wells Fargo Home Mortgage in the amount of \$1,343.62, overpayment of 2000 taxes. (PID #S560-0005-0002)
- N. Trans America Real Estate Tax Service in the amount of \$2,329.25, overpayment of 1999 taxes. (PID #V893-999-4960-0100)
- O. RTA International, Inc. in the amount of \$3,207.48, overpayment of 1999 taxes. (PID #V893-999-5560-1000)
- P. Cendant Mortgage Tax Department in the amount of \$2,537.54, overpayment of 2000 taxes. (PID #W145-999-0740-2100)

.....  
\*Motion made, seconded and unanimously carried to approve the request for the Director of Purchasing to issue a Purchase Order to Texas Natural Resource Conservation Commission, in the estimated amount of \$530,000.00 for payment of State Landfill Permit #00729 (McCombs \$150,000.00 and Permit #01482 (Clint \$380,000.00) for fiscal year 2000/2001.

This is a yearly renewal.

Bid No. 0270-96C  
Department: Solid Waste Management  
Funds available: 010296 and 010298-204414  
Funding source: General Funds, Waste Disposal  
Total Award: \$530,000.00 (estimated)

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend Contract 1999-34-223C1 between the City of El Paso and Master Fibers, Inc. for the Sale of Recyclable Materials for the Department of Solid Waste Management for one (1) additional year starting September 1, 2001 and ending August 31, 2002. This is the second of two (2) twelve (12) month options to extend this contract.

Department: Solid Waste Management  
Funds available: N/A (Revenue Generating; Project Code: Recycling Account)  
Funding source: N/A (Recycling Account)  
Award amount: \$45,000.00 (estimated revenue)

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend Contract 1999-34-223C2 between the City of El Paso and El Paso Disposal for the Sale of Recyclable Materials for the Department of Solid Waste Management for one (1) additional year starting September 1, 2001 and ending August 31, 2002. This is the second of two (2) twelve (12) month options to extend this contract.

Department: Solid Waste Management  
Funds available: N/A (Revenue Generating; Project Code: Recycling Account)  
Funding source: N/A (Recycling Account)  
Award amount: \$10,000.00 (estimated revenue)

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for one (1) additional year, from September 1, 2001, through August 31, 2002, pursuant to the provisions of contract 2000-225 with Arapaho Communications, Inc. El Paso, TX, for Riser Pipe Extensions-McCombs Landfill.

Option No.: ONE [OF TWO]  
Expiration Date of Option: 08/31/2002  
Department: Solid Waste Management  
Funds available: 010296-202215  
Funding source: General Funds - McCombs Landfill  
Amount of award: \$13,000.00 Annual Estimate

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-141 Ammunition

Award to: Vendor #1 GT Distributors, Inc.  
Austin, TX

Award Item(s): 1 - 2 - 4 - 9  
\$35,002.50

Vendor #2 C & G Wholesale  
Dallas, TX

Award Item(s): 3 & 5  
\$54,980.00

Vendor #3 Kiesler Police Supply, Inc.  
Jeffersonville, IN

Award Item(s): 6  
\$1,145.00

Vendor #4 Brenzovich Firearms & Training Center  
d.b.a. BFTC  
El Paso, TX

Award Item(s): 7 & 8  
\$51,400.00

Department: Police  
Funds available: 010062-203109  
Funding source: General Funds - Ammunition Supplies  
Total Award: \$142,527.50

Police Department and Purchasing recommend awards as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a twelve (12) month requirement type contract.

Low bids submitted on items 1 - 2 - 7 & 8 from other bidders, need not meet specifications as per attachments.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2001-177 Water Trucks

Representative Cobos commented that there was only one bid offered for this and explained that one other individual overlooked the opportunity to bid on this item. He recommended that the bid be sent out for rebid. He also noted that the City is offering two vehicles as trade in for only \$15,000.00, he thought that the trade in might be higher. At this time Representative Cobos made a Motion to send the item out for rebid, Representative Power seconded his Motion.

Representative Sariñana questioned if any problems or delays might occur if there were to be a rebid.

Byron Johnson, Director of Purchasing, explained that there would be a delay of 120 days before the City would receive the delivery of the units. He stated that the Department could rebid the item; however, it is within the cost estimate. He then discussed the units to be traded in.

Representative Cook asked Mr. Johnson if he expects to receive reasonable bids if the item were to be rebid.

Mr. Johnson remarked that Southwest Trucks has not bid on these units in past. He explained that the vendors' pricing would be exposed which is a concern with the vending community. Mr. Johnson stated that the Purchasing Department contacted five companies and explained why the company was not selected.

Representative Escobar asked whether these vehicles would be purchased with grant funds. He also questioned who values the trade ins. Representative Escobar asked whether a bad precedent would be set regarding individuals failing to submit a bid in a timely manner. He stated that he would not like to set this kind of precedent.

Mr. Johnson stated that the vehicles were not being purchased with grant funds. He explained that an auctioneer determines the correct value, as well as NADA guide. He explained that a precedent might be set regarding individuals who, through oversight or other reasoning, failed to submit a bid in a timely manner. He explained that last minute Bids are not accepted. He added that the City prepares a cost analysis and confers with the department.

Representative Sumrall remarked that she could not remember when a rebid took place due to someone not getting their bid in on a timely basis.

Representative Medina agreed with Representatives Escobar and Sumrall's comments. He added his concerns regarding the trade in value.

Mr. Johnson explained that the City of Juarez was unable to purchase the trade in vehicles. Representative Medina asked Mr. Johnson to continue to help our brothers to the south.

Representative Power questioned the effects of delaying this for six months. Mr. Johnson explained that if one of the units would fail, the City would then have to rent a vehicle during the interim. He then explained the costs for renting a vehicle.

Representative Rodriguez questioned Mr. Johnson as to how long was the bid open. Mr. Johnson replied four weeks.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve the above Bid.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-207 Proprietary Parts & Service-  
Dodge/Chrysler Motor Company

Award to: Westway Dodge  
El Paso, TX  
Item(s): All  
Total Award: \$15,000.00 (estimated annually)

Department: Equipment Maintenance  
Funds available: 370510-203121  
Funding source: Equipment Maintenance Internal Service Fund  
Total Award: \$15,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-208 Automotive Parts - Ignition Components

Award to: Main Auto Parts  
El Paso, TX  
Item(s): All  
Total Award: \$12,000.00 (estimated annually)

Department: Equipment Maintenance  
Funds available: 370510-203121  
Funding source: Equipment Maintenance Internal Service Fund  
Total Award: \$12,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

The Vendor also offer the City a prompt payment discount of 2% 20 days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-219 Perkins Proprietary Parts & Service

Award to: Perkins Manufacturing Company  
Chicago, IL  
Item(s): All  
Total Award: \$8,000.00 (estimated annually)

Department: Equipment Maintenance  
Funds available: 370510-203121  
Funding source: Equipment Maintenance Internal Service Fund  
Total Award: \$8,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

370

The Vendor offers the City a prompt payment discount of 1% 10 days.

This is a Requirement Type Contract with an initial term of Thirty Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-237 Cooling System Parts

Award to: Main Auto Parts  
El Paso, TX  
Item(s): All  
Total Award: \$15,000.00 (estimated annually)  
  
Department: Equipment Maintenance  
Funds available: 370510-203121  
Funding source: Equipment Maintenance Internal Service Fund  
Total Award: \$15,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit price for two (2) additional years, if the option is exercised within two (2) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-578 POLICE

The Department needs to increase the estimated budget for the Garage Keeper Account. This is a trust account and payments cannot exceed revenue. Lien claims have been higher than anticipated. This transfer should establish the budget at a high enough level and to carry us through the end of the fiscal year.

Increase	\$200,000	to	150064/500236/202218	Garage Keeper Liens
Increase	\$200,000	to	150064/500236/105065	Misc Non-Oper Rev

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-599 AIRPORT

Transfer of funds for the addition of temporary help to assist in the summer maintenance programs of Butterfield Trail and the Industrial Park Areas.

Increase	\$12,960	to	620011/202001	Temp Serv Contract
Increase	\$30,249	to	620013/202001	Temp Serv Contract
Decrease	\$43,200	from	620001/204405	Contingencies

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-604 BUILDING MAINTENANCE

Public Works proposes to transfer \$20,000 to purchase materials and supplies for remainder of FY 2001. Increased number of work orders has resulted in additional material and supplies usage in these facilities.

Increase	\$10,000	to	010325/203200	Materials & Supplies
Increase	\$10,000	to	010327/203200	Materials & Supplies
Decrease	\$20,000	from	010326/203200	Materials & Supplies

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2001-605 COMMUNIT DEVELOPMENT

The purpose of this request is to establish a budget for the Public Service Board portion of the Sahara Phase IV Street and Drainage Improvements project, a 26<sup>th</sup> Year (2000- 2001) Community Development Project.

Increase	\$37,715	to	150065/7126PS0016/106002	Local Grant Proceeds
Increase	\$37,715	to	150065/7126PS0016/208027	Construction

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2001-606 FIRE

Expenditures have exceeded appropriations.

Increase	\$100,000	to	010320/101001/203001	Gas Unleaded
Decrease	\$100,000	from	010097/101001/203006	Diesel

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2001-607 COMMUNITY DEVELOPMENT

To appropriate the available program income balance reported by Comptrollers Grants Accounting. The actual Revenue balance will fund eligible single-family rehabilitation and First Time Homebuyer assistance activities as recommended by HUD in the recent CDBG monitoring report.

Increase	\$ 650,000	to	150039/710RLFCDH/205205	Hsg Rehab Single
Increase	\$ 650,000	to	150039/710RLFCDH/205208	First Time Homebuyer
Increase	\$1,300,000	to	150039/710RLFCDH/106040	Program Income

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2001-617 HEALTH

The City-County Health & Environmental District, Index 150018 410123-HIV Surveillance-Fed. It is necessary to decrease and reallocate monies in order to align the budget with the actual grant award, TDH Doc No. 7460007499-02, attachment no. 01 (expires: 01/01/01 - 12/31/01), in addition to the alignment we are increasing personnel to cover salaries through December, 2001.

Decrease	\$ 90	from	150018/410123/106001	State Grant Proceeds
Decrease	\$1,332	from	150018/410123/201000	Non Unif Wages
Increase	\$ 227	to	150018/410123/203100	Office Supplies
Increase	\$ 65	to	150018/410123/204002	Paging Services
Increase	\$ 900	to	150018/410123/204201	Trvl Expense Emp
Increase	\$ 50	to	150018/410123/204203	Mileage Allowance

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-621 OMB

Increase in appropriations needed to match increase cost of postage scheduled for July.

Increase	\$60,000	to	040139/104355	Misc Chgs Sales
Increase	\$60,000	to	040139/202304	Mailroom Chgs

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-622 PUBLIC WORKS

Public Works proposes to appropriate \$98,000 for land acquisition for Fire Station 33 (Nolan Richardson & Belfry Park Dr.). Funding source is 1997A sale of CO's.

Increase	\$98,000	to	134001/PW0002250/107001	Intrafund Trsfr
Increase	\$98,000	to	134001/PW0002250/208000	Land
Increase	\$98,000	to	134001/PW0002160/207001	Intrafund Trsfr
Decrease	\$98,000	from	134001/PW0002160/208027	Construction

.....  
\*Motion made, seconded and unanimously carried to approve Change Order No. 1 (City Council Action Requirement) to Ortega Construction Company for "EPIA Air Cargo Fuel Farm," for an increased amount of \$8,748.00 to install a concrete flume, concrete cub and gutter and to modify the existing junction box as per the revised set of plans.

.....  
\*Motion made, seconded and unanimously carried to approve the request of Association of Professional Flight Attendants to use the median across from the ticketing entrance, Door #1, and across from the second door. June 30 and July 1, 2001 from 6:00 a.m. to 5:00 p.m. Approximately 20 persons will take part. Permit No. 01-077

.....  
\*Motion made, seconded and unanimously carried to approve the request of Parks & Recreation—San Juan Center to block off Glenwood Street between Webster and Tamburo on July 4, 2001 from 5:00 p.m. to 9:00 p.m. for a block party. Approximately 400 persons will participate. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (4 large speakers-30 dB level total). Permit No. 01-076

.....  
\*Motion made, seconded and unanimously carried to approve the request of Mission Iglesia Jesus Cristo to use amplification (2 speakers, 2 microphones, 1 electric guitar bass) at El Barrio Park for a religious Revival on June 30 through July 1, 2001 from 7:00 p.m. to 10:00 p.m. Approximately 25 persons will use amplification and 15 spectators are anticipated. Permit No. 01-080

.....  
NOTE: This item was discussed at the end of the meeting.

#### ORDINANCE 14878

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 9.50 (SMOKING IN PUBLIC PLACES), BY ADOPTING A COMPREHENSIVE REVISION OF CHAPTER 9.50 (PUBLIC AND WORKPLACE SMOKING RESTRICTIONS).**

Prior to Council Members discussion of the Agenda, Mayor Raymond Caballero explained that this Ordinance would be discussed as the final item for today's Agenda. He stated that this item would be given 1½ hours for discussion. He explained that ten minutes would be given by a representative from the City as an opening statement, followed by 30 minutes of discussion for those who are opposed to the smoking ban and 30 minutes of those in favor. After this discussion, ten minutes would be given to those who were

against the ban followed by ten minutes to those in support of the smoking ban as closing statements. He also stated that those persons who wished to present their opinions would be given three minutes to do so.

Mayor Raymond Caballero explained that due to the great interest of this item, the occupancy limit has been exceeded. He asked individuals to proceed to the lobby and view the discussion on the television screen located there.

Mr. Gilbert Gutierrez, Public Health Administrator for the El Paso City/County Health Department, made opening statement on behalf of Dr. Magaña. He read from a prepared statement which explained when the process began regarding writing the Ordinance, who was involved in this process, the adverse effects of smoking on individuals, the community, the environment and the government's legal and moral responsibilities to protect and maintain the health of the community.

At this time, 30 minutes were given to those individuals wishing to speak in opposition of the Non-Smoking Ordinance. Mr. Fred Jackson, President of the El Paso Restaurant Association (EPRA), explained that the EPRA plays a major role in the El Paso economy and provides a diverse and enterprising spirit. The EPRA provides 17,000 jobs, generates \$632 million dollars for City's economy, \$12,645,000 tax revenue goes back to the City. He explained that owners, managers, and employers donate their time and energy to schools and community projects which benefit El Paso citizens. He stated that the EPRA believes in giving back to our community. EPRA puts the public health first. The EPRA is mandated and the Association is not here to defend smoking, but rather, to defend our rights to operate our businesses. He explained that the EPRA has not been included in the processes and should be given this opportunity. The EPRA has to be proactive and listen to customers and their needs otherwise customers will not come back. The business owners should elect whether their restaurants should be smoke free or not. The customers should have the right to decide where to spend their money. He stated that there are several good non-smoking restaurants in the City. Restaurant owners have invested large amounts of money to remodel and provide outdoor patios, etc. The business owner has worked within the current law and the EPRA is asking to be part of the process. He stated that the EPRA has not been invited to provide input or discussion. The El Paso City/County Health Districts receives very little complaints regarding second hand smoke. He stated that he is asking that Council Members send this to Legislative Review and allow the restaurant industry to come up with working solutions that would be good for both sides, we have earned that right. He remarked that restaurant owners are concerned about their livelihood.

Mr. Mike Brietinger, Executive Director of the El Paso Central Business Association, read the Executive Committee of the Central Business Association's statement. He stated that this Association is opposed to the Ordinance. The Association asks that Council Members oppose this smoking ban and that public information is the key here. He thinks that public information can turn the tide. He asked that Council Members please listen to the business side of the Ordinance and see if there is a viable way to resolve this.

Mr. Jim Gore, President of Applebees and Village Inns in El Paso and Las Cruces, stated he has been doing business in El Paso for 22 years. He stated that he is a non-smoker. He provided documentation for Council Members to peruse. The documentation included the past seven years of sales information for the Las Cruces Village Inn restaurants. He explained that in 1995 the City of Las Cruces imposed a smoking ban and since then sales have declined 15 to 20%. He stated that it is difficult for him to support this Ordinance due to its economic impact. He added that the business/restaurant owners would like to be allowed the right to meet the needs of the customer and if these needs are not met then allow the businesses to change their policies to meet these needs. He feels this Ordinance goes against free enterprise.



Mr. William Postell, customer of the restaurants, stated that the subject for discussion today is environmental tobacco smoke and the effects of environmental tobacco smoke. He asked Council Members to investigate every issue within this Ordinance. He stated that this is a matter of freedom and the responsibility of the individual. He remarked that a major issue regarding this Ordinance is whether the information contained within is the truth and reliable information or information that is uncertain, and finally, if the information is mostly flawed. He stated that government that governs least, governs best. He asked that Council Members have restaurants tested for levels of tobacco smoke and have these tests evaluated by three non-biased organizations. He asked Council Members to not pass this Ordinance but table the item in order that tests be performed on the levels of tobacco smoke.

Mayor Raymond Caballero asked if Mr. Postell had a health problem.

Mr. Postell responded that he did not have emphysema.

Mr. Ruben Ramirez, citizen, asked Council Members what the definition of freedom of choice is and; if they had a business, would they appreciate City government telling them how to run it.

Mr. Ray Reynolds, speaking on behalf of Civic Bingo Clubs, stated that he is member of the Optimist Club and explained that the passage of this Ordinance would devastate Civic bingo in El Paso. He explained that his organization is losing money due to State regulations and "Speaking Rock". He stated that a number of Civic Clubs have been forced to close their bingo operations due to Speaking Rock and lack of funding. He explained that 93% of bingo players are smokers and that people drive from Las Cruces to El Paso play bingo because El Paso does not currently have a smoking ban. He asked Council Members not to pass the Ordinance; however, if council does approve the Ordinance, please remove bingo halls from the language of the Ordinance.

Mr. Lou Chandler, business owner in Downtown El Paso for over 26 years, stated that if the Ordinance is passed, he would be out of business in three months.

Mr. Al Francis, bar owner, asked that Council Members not take away his freedom of choice. He agrees that smoking might be hazardous to one's health, but he strongly disagrees that his choice is not being taken away. He stated that this Ordinance would have a terrible impact on the City, not only El Pasoans, but El Paso as an International City. He added that many conventions, visitors, and others will decide whether or not to visit El Paso because of Ordinance. He asked Council Members to let the people use their discretion.

Mr. Ken Shillinger, non-smoker, explained that this issue is not about health but of intolerance, discrimination and the ability of the government to control the actions of private citizens. He remarked that Council Members should protect the rights of the minority, those who choose to smoke. He stated that this Ordinance negates the rights of those who smoke.

At this time, 30 minutes were given to those individuals wishing to speak in favor of the Non-Smoking Ordinance.

Dr. Jose Manuel de la Rosas, Regional Dean of Texas Tech Health Sciences Center, strongly believes this Ordinance is a specific instance of City Council taking on their public duty to protect city's health. Texas Tech Health Sciences Center has recently passed their indoor/outdoor non-smoking Ordinance, which is more stringent than the City's Ordinance. He did not bring information regarding smoking dangers today but used the Centers for Disease Control and the Surgeon General's data as examples. The Ordinance is about protecting the public from a health hazard, not a referendum against businesses but a referendum about public health. He encouraged Council Members to pass the Ordinance based on three reasons: 1.

Smoking is a public health hazard; 2. Encourages people to quit and; 3. For the kids. He then invited Council Members to become a "Doc for a Day" at the Medical School.

Dr. Tan, Asthma Specialist and Pediatrician, addressed Council Members regarding the economic impact and human tragedy of asthma. He explained that 50,000 people suffer from asthma in the City/County of El Paso, including 25,000 elementary children. He stated that \$16.7 billion dollars were spent taking care of asthma patients, 5,000 deaths per year were documented from asthma. He presented Council Members with a condensed version of the "Government Guidelines on Asthma" to peruse. He stated that cigarette smoke is one of the preventable triggers of asthma. He relayed a specific patient's case to Council Members. He concluded that, as a physician and a citizen, we are responsible for providing a smoke free environment for everyone.

Mr. Jeremy Oaks, 9 year old 4<sup>th</sup> grader at Lindbergh Elementary School, read from a prepared statement. He asked Council Members to pass the Ordinance so that he and his friends can enjoy clean air.

Mr. Carlos Castañeda, City of Las Cruces elected official, commended Council Members for taking on this task. He explained that it is the duty of Council Members to look after the interest of the community. He encouraged Council Members not to compromise, there is no middle ground, you cannot negotiate public health. He encouraged Council Members to follow through and become an example especially for border towns.

Mr. Narciso Valdez, Code Enforcement Officer with the City of Las Cruces, explained that he is able to issue citations, enforce other City Ordinances and assists other departments. He spoke about the non-smoking Ordinance in Las Cruces and explained the procedure following the adoption of the non-smoking Ordinance. He stated that he relies on business owners to enforce the Ordinance. When a complaint is received the Code Enforcement Officers would then randomly inspect the business establishments regarding any violation(s). He stated that the Ordinances are in place to protect the community's safety and health issues.

Ms. Jennifer Vasquez, 8<sup>th</sup> grade student at Montwood Middle School, read from a prepared statement and stated that she is in favor of passing the non-smoking Ordinance.

Ms. Jessica Vasquez, 7<sup>th</sup> grade student at Montwood Middle School, read from a prepared statement in favor of the ordinance.

Mr. Mirwais Amoni, waiter, spoke on the health effects of waiting on tables in a smoke filled restaurant. He stated that Council Members should pass the Ordinance the way it is written. He has suffered health problems as have other waiters/waitresses/bartenders working in this kind of environment. He asked that Council Members protect the future of this community and pass the Ordinance as it stands.

Mr. Sam Legat, Downtown business owner who also serves on other boards throughout the City, wanted the Council Members to know that the Board Members of R.E. Thomason General Hospital have passed a smoking ban in not only the building, on the property and area outdoors. He stated that prior to the passage of the ban, the hospital provided a brief moratorium so that individuals might quit smoking.

At this time individuals who are opposed to the non-smoking Ordinance were given 10 minutes to give their closing remarks.

Mr. Fred Jackson, El Paso Restaurant Association, stated that the restaurant industry wants City government to move the City forward but not by taking the business owners and customers rights away by not spending their money how they want. He stated that the EPRA does not want businesses to lose business or possibly close down. He reiterated that he would like Council Members to look at the whole

picture and move this discussion to a Legislative Review Committee meeting to allow all restaurant owners to present their comments.

Mr. Jouaz, citizen of El Paso since 1988, spoke on Federal, State and City buildings being designated as non-smoking buildings. He is a native of Berlin, Germany and remembers the lifestyle of the Communists. He explained that if this Ordinance passes what other rights would be taken away from the citizens.

Mr. Ernst Glock, owner of Texas Bar & Grille and life long citizen of El Paso, stated he has spent quite a bit of money on filtration. He said that there are other solutions and asked Council Members to have a Legislative Review Committee meeting and that there be discussions. He stated that it is illegal for children to be in his establishment after certain hours. He is a non-smoker and he takes his family to non-smoking establishments. He stated that parents will smoke in the home and therefore continue to expose children to the dangers of smoking. It is the parent's position to guard their children against dangers of smoking. He is asking Council Members to give restaurateurs a choice.

Mr. Carole Coiner, Kraftsman Publications, stated that this Ordinance would affect all businesses in El Paso, not only bars and restaurants. She owns this business and allows smoking in her business except in the printing area. She believes that this Ordinance is unconstitutional.

Mr. Richard Wright, owner of Wildhare's Blues and Adventure and Cantina La Tuya, stated that smoking is bad but tyranny is bad and he equates this Ordinance to tyranny. Tyranny is bad, Liberty is good.

Mr. Clint Newson, Papa's, congratulated Texas Tech on the passing of their smoking ordinance, that is the way that businesses should be run. He suggested that businesses should be able to make their own decisions.

Mr. Jim Capers, Cincinnati Bar & Grille, stated that if Council Members pass this Ordinance, he would be out of business.

Mr. Bobby Lyons, Kona Kreek Steakhouse, stated that this Ordinance would not change people's smoking habits but rather their spending habits.

Mr. Jim Diaz, Pellican's restaurant, asked that Council Members give restaurant owners the opportunity to voice their opinions before passing this Ordinance.

Mr. Enrique Medrano, attorney, does not smoke and a No Smoking sign is posted in his office. He stated that he is against the Ordinance. He is concerned that the City wants to develop the tourism and convention industry; however, he asked that Council Members listen to the restaurant association which is the backbone of tourism.

Mr. Jackson stated that he had several thousand signatures and gave these documents to the City Clerk.

At this time individuals who are in support of the non-smoking Ordinance were given 10 minutes to give their closing remarks.

Dr. Carlos Anaya, Director of Neonatal Intensive Care at R.E. Thomason General Hospital, stated that the Department of Health should be commended for their hard work on this Ordinance. One purpose of government is to help the people. He stated that health is the only thing an individual has.

Mr. Randy van Stone, R.N., suggested that business owners look at their marketing. He stated that 20-25% of El Paso use tobacco, 75-80% do not. He said smoking and driving are individual rights and that rights have limitations.

Mr. Jack Hunter, citizen, addressed the hypocrisy of this issue. He stated that smoker's should have no rights and that rights come with responsibilities. He stated that establishments which support smoking have failed to act responsibly, smoking sections are a joke. He stated that when an individual eats a steak, he is not shoving half of it down the throat of the person next to him. Smoking is a shared indulgence and he does not want to share anymore. He asked Council Members to stop the hypocrisy, the madness and take this opportunity to be remarkable and a national hero. He asked that Council Members please ban smoking in all public place, no compromise, no Legislative Review, no wimping out.

Mr. Gilbert Gutierrez, clarified statements given earlier regarding the El Paso Restaurant Association and their ability to be part of the process. He explained that on March 6th a meeting was held between Dr. Magaña, Mr. Gutierrez, Mr. Gore and others representing the El Paso Restaurant Association. He stated there was ample opportunity to participate in the discussion process and present information. He stated that the concern is regarding compromising the public's health. He stated another issue was regarding customer choice, as per the El Paso Restaurant Association, but Mr. Gutierrez explained that the Health Department is concerned with the employee's health. He explained the concept of externality and its association to employees exposure to second hand smoke. Mr. Gutierrez addressed the issue of testing. He stated that the Center for Disease Control and Prevention, the Surgeon General's Office, the National Institute for Health, the Environmental Protection Agency, the National Institute for Occupational Safety and Health have all reviewed these findings and have concluded that second hand smoke poses a danger to the health of the community.

Ms. Katherine Berg, American Cancer Society, said she feels that it is inappropriate to take this issue to Legislative Review. She explained that this issue was brought to the forefront through the media in November of 2000. She stated that Council Members received information through notebooks in March of 2001. She stated a Public Hearing was held on April 2, 2001 and today's Public Hearing. She stated that ample time has been given for discussion. She said that in America, the people are the government and that public servants are elected to serve as the voice of the people, the workers and the children. It is the mark, not of a politician, but of a statesman to have the courage to do what is right.

Mayor commended both sides for presenting their cases and he greatly appreciates the professionalism. He explained that everyone gains from this type of discussion.

At this time each Representative was given an opportunity to make comments.

Representative Sumrall stated that she has always been a very strong proponent of business, and thinks it is important for a business as the business seems fit. She is also a very strong proponent of good health, healthy people and healthy babies. She asked Dr. Anaya what the effects of smoking on babies is due to the mother's or family members were smokers.

Dr. Anaya stated that the women in this community have been very good regarding protecting the health of the babies. He explained what happens when a premature baby is taken home from the hospital. He stated that the baby may often have chronic lung injury due to resuscitation efforts and are susceptible to viral infections, etc. He stated that these could have been avoided. He explained that the doctors instruct new mothers not to allow the babies around people who smoke and are sick. Mothers who smoke lead to premature babies and we do not need premature babies.

Representative Sumrall personalized this issue and spoke about her children. She explained that she had smoked when she was pregnant and as they grew up. She explained that both children were born prematurely. She stated that she is very adamant about business owners running the business the way they want but it is hard to disassociate herself because of her past experiences. Her children do not smoke and she stated that if an individual smoked around her granddaughter she would be livid. She spoke about

City employees utilizing the veranda. She asked that the Ordinance be amended regarding outdoor smoking.

Mayor Caballero asked Representative Sumrall if she were referring to Chapter, 9.50.060 Reasonable Distance, of the Ordinance, and if she wanted this to be deleted.

Representative Sumrall stated yes.

Mayor Caballero explained that this issue would be discussed momentarily.

Representative Rodriguez asked why the Health Department was not protecting the public regarding food preparation. She stated that individuals have the right to smoke, to use their cell phones and she moved to approve the Ordinance as it is written with no amendments. Representative Medina seconded.

Representative Medina thanked Mr. Magee. He spoke about his walk in the desert with Commissioner Aguilar. He explained that he was worried about the non smoking Ordinance not passing. He stated that this issue is one of passion, emotion and a matter of life and death.

Representative Cook stated that this is a very emotional and polarizing issue and has friends on both sides of the issue. He framed this on personal experience and he relayed his experiences when he was a smoker. He asked what the real issues were and answered is it the economic impact to businesses, rights of free enterprise, rights of the individual, "Big Brother" or it is an issue of public health and safety. He stated that he would support the Ordinance; however, he could not support the Ordinance with the language regarding the 25 foot rule smoking area.

Representative Medina stated that Representative Cook could amend the Ordinance.

Representative Cook explained that he would support the Ordinance without the 25 foot rule.

Representative Power stated that tremendous dialogue and passionate opinions on both sides have been heard today. He commented on the forefathers crafting the Constitution in a form of the government which provided for limited government and that the government would protect and defend and provide for an exercise for God given inalienable rights and that government should step in when there were instances injustices within society. He stated that the Environmental Protection Agency was organized in the 1970's and at that time businesses screamed they would lose money. He gave examples of local Municipality's interjection regarding restaurants such as: wearing hair nets, cooking and storing meats at different temperatures, etc. He stated that the question before Council Members today is a matter of weighing the obligation of government to step in when the health of the public is at risk weighed against the possibility of economic loss in the business community. He explained that he supports this Ordinance except for the reference of the 25 foot rule.

Representative Escobar asked Mr. Jackson why he would like this to be sent to Legislative Review.

Mr. Jackson explained that he would like to discuss the ability of doing a better job of controlling the smoking and non-smoking areas in restaurants to include special ventilation in restaurants, special remodeling just as separate rooms to take care of the smoking minority and finally, asking that the 25 foot rule be done away with and that an amendment be attached regarding hardships, and that this item be revisited in six months to see exactly where the El Paso Restaurant Association stands regarding local restaurants.

Representative Escobar stated he heard that Ordinance would effect the small restaurants and that the special ventilation and special smoking rooms would adversely affect the small restaurant owners.

Mr. Jackson asked that Council Members allow the businessman to decide for himself.

Representative Escobar asked Mr. Jackson whether he would like the 25 foot restriction removed and the smoking be allowed in a patio type setting.

Mr. Jackson stated that restaurants have already developed this patio setting.

Representative Escobar asked Mr. Jackson if the 25 foot restriction were removed, would more restaurants build patios for this purpose and would this be a cheaper alternative as opposed to installing special ventilation system and/or special smoking rooms.

Mr. Jackson stated, in his opinion, yes.

Representative Escobar stated that he agrees there are inherent risks for smoking. He remarked that the idea of holding a Legislative Review Committee meeting may not be necessary. He asked that the 25 foot restriction be removed. He is convinced that the nation is moving toward banning smoking.

Representative Sariñana read information he felt was pertinent. He asked that the following revisions be made to the Ordinance: 1. The smoking policy be communicated to all employees within four weeks of acceptance of the Ordinance; 2. delete the distance and state "OUTSIDE"; 3. posting of signs, to state "to be within the time frame"; 4. the Ordinance be in place and effective January 2, 2002 and; 4. incorporate the airport language and that the airport be part of the Smoking Ordinance.

Representative Cobos stated that the Ordinance encompasses four types of individuals: smokers, non smokers, business owners and employees. He hoped that this Council would coexist and accommodate all four types. He stated that he has been a small business owner and that business owners should run their business as they see fit, if they do not subject people to safety issues. He believes that the business owner has the right to offer to their patrons non smoking areas (completely smoke free areas), the option to offer a totally non smoking business, and/or to offer a smoking only facility. He stated that Council Members are stepping on dangerous ground. He explained that the Ordinance includes bars and with Juarez right next door he predicts loss of revenue, loss of jobs, loss of tax base. He hoped that this Ordinance would be sent to Legislative Review so that all parties might address issues. He remarked that this Ordinance is not progressive and El Paso should model ourselves after the City of Las Vegas where air is controlled. He stated that cities like Las Vegas have been able to accommodate everyone without a revenue loss. He closed by stating that El Paso has taken a step back.

Mayor Raymond Caballero suggested taking each amendment separately.

Representative Rodriguez accepted the amendment regarding Representative Sariñana's suggestion that the smoking policy be communicated to all employees within four weeks and the deletion of the 25 foot rule.

Mr. Charlie McNabb, City Attorney, stated that Section 9.50.060 language might become too vague.

Mayor Caballero agreed with Mr. McNabb and stated that this might create problems. He strongly suggested keeping the clause as it states currently.

Representative Rodriguez stated that she was requesting that the distance language be deleted.

Mayor Caballero agreed with the amendment that the Ordinance be effective as of January 2, 2002.

Representative Sumrall stated that this would allow restaurants to construct the outdoor patios.



Representative Medina agreed with Representative Sumrall's comment.

Representative Power asked Mr. Roberto Franco, Director of Economic Development, if this item should be discussed in a Legislative Review Committee meeting.

Mr. Franco agreed. He stated that the shell regarding tax abatements, which was just approved by Council Members, suggested that the Legislative Review Committee meeting would consider the policy as to what Council Members would be approving in the future. This policy includes commercial, industrial and Downtown abatements.

Mayor Caballero then asked if there were any public comments.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to close the Public Hearing.

Motion duly made by Representative Escobar, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**RESOLUTION**

**AFTER A PUBLIC HEARING, MAKING CERTAIN FINDINGS AS TO THE  
DESIGNATION OF REINVESTMENT ZONE "OO" IN ACCORDANCE WITH  
THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.**

WHEREAS, the City Council (the "City Council") of the City of El Paso, Texas (the "City") gave due and proper notice of public hearing as to the designation of a reinvestment zone pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001 et. seq., TEX. TAX CODE ANN., as amended (the "Act");

WHEREAS, the City Council has found that notice was properly given as to such public hearing by: (1) publication of such notice in a newspaper having general circulation in the City no later than the seventh day before the date of the hearing, a copy of the Affidavit of Publication as to such notice being attached hereto as Exhibit "B"; and (2) delivery of such notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of the hearing, a copy of the form of the notice sent to each presiding officer of the governing body of each such taxing unit being attached hereto as Exhibit "C"; (All Exhibits on file with this Resolution in the City Clerk's office)

WHEREAS, the City Council has found that the public hearing was held on this date in accordance with law and at which time all interested persons were given the opportunity to speak and present evidence for or against the designation of the reinvestment zone, and that the City Council has given due and proper regard to the testimony presented;



WHEREAS, the City Council has determined and hereby finds that the land within the City to be designated as a reinvestment zone is set forth and described in Exhibit "A" attached hereto;

WHEREAS, the City Council has determined and hereby finds that the proposed improvements to be placed on the land located within the Reinvestment Zone are feasible and practical and would be a benefit to such land in the Reinvestment Zone and to the City after the expiration of a Tax Abatement Agreement entered into in accordance with § 312.204 of the Act, as amended;

WHEREAS, the City Council has determined and hereby finds that such land designated as a reinvestment zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

WHEREAS, the City Council represents and finds that the land to be included in the Reinvestment Zone meets the Guidelines and Criteria Governing Tax Abatement Agreements set forth and adopted in a Resolution approved by the City Council on June 26, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1: That the determinations and findings recited and declared in the preambles to this Resolution are hereby restated, repeated and incorporated herein as current, proper and lawful findings of the City Council of the City of El Paso, Texas.

Section 2: That the land set forth and described in Exhibit "A" attached hereto and which is incorporated herein by reference thereto for all purposes, is hereby declared to be eligible to be designated as Reinvestment Zone "OO" pursuant to the requirements of the Act.

Section 3: That the City Council of the City represents that it will review all proposed descriptions for approval of specific projects to be made and subject of a Tax Abatement Agreement and to be located within such Reinvestment Zone "OO," in order to determine whether such projects are consistent with the Guidelines and Criteria Governing Tax Abatement Agreements as heretofore approved by the City Council.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....  
**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A TAX ABATEMENT AGREEMENT**

**With**

**Physicians Specialty Hospital of El Paso- East  
PURSUANT TO THE REQUIREMENTS OF THE PROPERTY REDEVELOPMENT  
AND TAX ABATEMENT ACT, CHAPTER 312,  
TEXAS TAX CODE.**

**WHEREAS,** the City Council (the "City Council") of the City of El Paso, Texas (the "City") enacted and adopted Ordinance No. **14879** on June 26, 2001, designating Reinvestment Zone "OO" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et. seq. Texas Tax Code, as amended (the "Act");

**WHEREAS,** pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by resolution on June 26, 2001, the City Council intends to enter into a Tax Abatement Agreement (the "Agreement") with Physicians Specialty Hospital of El Paso-East which owns or has a possessory interest in certain taxable real property located in the Zone.

**WHEREAS,** pursuant to the requirements of the Act, notice of the City's intent to enter into the Agreement together with a copy of the proposed agreement was mailed to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located not later than the seventh (7th) day before the date on which City Council intends to enter into the Agreement; and

**WHEREAS,** the City intends to enter into such an Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the Tax Abatement Agreement with Physicians Specialty Hospital of El Paso-East pursuant to the terms and conditions as set forth and stated in a copy of such agreement which is attached hereto as Exhibit "A" and incorporated herein by reference.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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**ORDINANCE 14880**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NUMBERS 6163, 9980, 11533, AND 11903, WHICH CREATED AND AMENDED THE ARTS RESOURCES DEPARTMENT AND ARTS RESOURCES BOARD, AND REESTABLISHING SUCH ARTS RESOURCES DEPARTMENT AND ARTS RESOURCES BOARD.**

Mayor Raymond Caballero asked if the public had any comments. There being none, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

**AYES:** Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

**NAYS:** None                      Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a Portion of Lot 12, Block A, Collingsworth Subdivision, City of El Paso, El Paso County, Texas (185 Awbrey Street) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Ignacio and Andrea Sotelo / Representative: Ignacio and Andrea Sotelo, 181 N. Awbrey, El Paso, TX 79925. ZC-01014.  
.....

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a Portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021.

Ms. Pat Adatao, Planning Director, explained that this zoning case falls under Chapter 211.006(d) of the local government code. The Planning Department has received a petition of over 10 signatures this morning which triggered a 58% objection.

Representative Cook asked what the objections were.

Ms. Adatao then presented slides for Council Members which further elaborated the zoning change regarding the property.

Representative Sumrall thanked Ms. Adatao, members of her staff, Mr. Terry Williams, Deputy Director of Building Services, and members of the City's Legal Department, for attending a neighborhood meeting until after 9:00 p.m. the previous evening.

Mayor Raymond Caballero agreed with Representative Sumrall's comments.

Representative Escobar asked for a two week postponement so that he might meet with the opposition and applicant. He then asked Ms. Adatao to clarify the concerns of the opposition.

Ms. Adatao stated that the opposition is concerned with the rezoning of this area for residential use. She explained that the area was traditionally farm land; therefore, the concern is the area would be developed into a dense residential subdivision.

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**ORDINANCE 14881**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 6B-1, 6B-2, 6C, 6C-1 AND PORTIONS OF TRACT 6A-1, BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (1222 SUNLAND PARK DRIVE) AS FOLLOWS: PARCEL 1, FROM A-O/SP (APARTMENT OFFICE / SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND PARCEL 2, FROM A-O (APARTMENT OFFICE) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adatao, Planning Director, explained that the State Line restaurant is requesting C-1 zoning in order to utilize a parking area with the existing restaurant. She stated that there was no opposition.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None                                      Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 14882

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 7 CONNELLY SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (7033-7035 RAMOS COURT) FROM C-3 (COMMERCIAL) TO A-3 (APARTMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adatao, Planning Director, explained that this was a down-zoning request of approximately 4800 square feet of property. The City Plan Commission recommended in favor and added that the Plan for El Paso designates this area as mixed-used. She added that there is no opposition regarding this item.

Motion duly made by Representative Medina, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 14883

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 36-58, BLOCK 1, LOTS 1-28, BLOCK 3, AND LOTS 34-55, BLOCK 2, MONTANA PALMS SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (TURNER ROAD AND NEHEMIAH PLACE) FROM RMH/C (RESIDENTIAL MOBILE HOME/CONDITIONS) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adatao, Planning Director, stated that this request is a down-zoning request of approximately 12 acres of property. The applicant is proposing 53 single family, residential lots on the site. She stated that the City Plan Commission (CPC) recommended in favor. She explained that the CPC recommendation included deletion of an existing condition on the property. There is no opposition to this item.

Representative Sumrall asked why the condition was removed.

Ms. Adatao explained that the condition references installation of a mobile home on the site; the rezoning no longer requires this condition.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

.....  
ORDINANCE 14884

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 009543 WHICH CHANGED THE ZONING OF A PORTION OF TRACT 2A, BLOCK 41, YSLETA GRANT, A PORTION OF A 20-FOOT ROAD (VACATED), TRACT 20, BLOCK 52, YSLETA GRANT, A PORTION OF TRACT 1A, BLOCK 41, ALL OF TRACTS 18, 19, AND 21, BLOCK 52, YSLETA GRANT AND A PORTION OF A 20-FOOT ROAD (VACATED), AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION 2 THEREOF FOR LOTS 1 TO 4, BLOCK 1; LOT 1, AND LOTS 4 TO 10, BLOCK 2; LOT 1, BLOCK 3; AND LOT 1, BLOCK 4, AMERICAS INDUSTRIAL PARK (9000 BLOCK OF JOE RODRIGUEZ DRIVE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Escobar, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

.....  
ORDINANCE 14885

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING FERNANDO ELGUEA TO USE A PORTION OF DICK SHINAUT PARK FROM 4:00 PM UNTIL 9:00 PM ON JULY 4, 2001**

Representative Sumrall asked Mr. Charles Nutter, Director of Parks & Recreation as to what portion of the park would this applicant be utilizing. She was concerned about other citizens using the park for picnics, etc.

Mr. Nutter stated that this was a wedding and reception and that the applicant would not be utilizing the entire park. He stated that the Parks Department has no objection with this item.

Representative Power asked Mr. Nutter if the applicant would not object to utilizing a "corner" of the park rather than the center.

Mr. Nutter stated that if Council Members so desire, to ask this of applicant, he would do so.

Representative Power recommended that the applicant be moved to the "back end" of the park so as not to interfere with the use of the park for other citizens.

Motion duly made by Representative Power, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 2104 Lake Omega Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 11334-11336 Lake Loy Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 8630 Holmsley Trail Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 6340 Geiger Avenue in El Paso, Texas, which property is more particularly described as follows:

Lot: The East ½ of Lot 4, Block 4, Glendale Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 8, Page 1, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Juan and Julia Mendez, 7872 Porche, El Paso, Texas 79915 record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 26<sup>th</sup>, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. That the structure can not feasibly be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the structure be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for August 28<sup>th</sup>, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
  - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the structures and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the structures and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the structures and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolishing the structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and

That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, showed slides and read from a prepared statement.

Representative Sumrall questioned the electrical wiring and asked whether these wires were connected to some other source. She asked Mr. Maguire to look into this.

Mr. Maguire responded that there is an accessory structure on the property.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to accept the Department's recommendations and adopt the above Resolution.

Representative Medina was not present for the vote.

.....  
No action was taken regarding the discussion to ask the Water Utility Board to set aside money for the near future to remove fire hydrants as needed so that the Water Utilities will not have to ask City Representatives to use their Discretionary Funds. (Raul Garcia)

Mr. Raul Garcia, citizen, asked that this item be placed on the Agenda. He stated that he had written a letter to Mr. Ed Archuleta, Water Utilities General Manager, regarding this matter and distributed said letter to Council Members for their information. He would like Mayor and Council to appoint an individual to ask Mr. Archuleta to set aside monies for such matters as this.

Mr. Mike Spurlock, attorney for the Public Service Board, agreed with Mr. Garcia that this matter should not be paid for with Council Member's discretionary funds. Mr. Spurlock explained that Mr. Jose Lotus has made arrangements to move the fire hydrant. He explained the details surrounding this fire hydrant and added that a school district meeting would be held tonight which would address this item as well.

Mayor Raymond Caballero explained that this would be a matter to be addressed by the Water Utilities.

Representative Medina thanked Mr. Garcia for bringing this issue to the attention of everyone. He stated that Mr. Garcia is a one man advocate for the disabled community.

Mayor Caballero agreed with Representative Medina's comments.

.....  
Motion made by Representative Cook, seconded by Representative Medina and carried to authorize the Department of Planning, Research and Development to initiate a street name change of a portion of Electric Way, between Fairbanks Drive and Woodrow Bean Trans-Mountain Drive, to Girl Scout Way.

Representatives Sumrall, Power and Cobos voted Nay.

Representative Cook stated that this would be where the new Girl Scout Headquarters would be located.

Representative Sumrall asked whether the Girls Scout organization would be paying for the street name change and would any other businesses be affected by this change.

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Ms. Pat Adaauto, Planning Director, explained that the mechanisms used to initiate street name changes. She stated that, if Council Members approve, this action would allow the Planning Department to process the application and hold a hearing, in order to bring forth a recommendation that the City incur all of the costs of replacing the signs.

Representative Cook asked whether there would be other addresses that would need to be changed other than the El Paso Electric Company's facility.

Ms. Adaauto stated no, but that part of the process would be to determine this information.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the request to permit the placement/replacement of a 48" x 42" sign located on a portion of public right-of-way (median) on Executive Center Blvd. between the IH-10/Executive Center Blvd. (north bound) exit ramp and Rio Bravo. (Sharon Haddad)

.....  
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to reject the sole bid submitted for Bid No. 2001-193, Shuttle Bus Rental for the El Paso International Airport. The sole bid submitted is non-responsive due to a lack of an original signature binding the offeror.

This item will be re-bid as requested by the Department of Aviation.

Department: El Paso Department of Aviation

.....  
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to reject the bids submitted for Bid No. 2001-162, Road Striping Unit for the Street Department. The Purchasing and the Street Department recommend re-bidding since all bids received did not meet the specifications and/or bidder(s) were deemed non-responsive. This item will be re-bid with revised specifications.

.....  
**Note:** This item was discussed prior to discussions on the Ordinance designating Reinvestment Zone "OO", page 32, Ordinance No. 14879.

**A RESOLUTION APPROVING GUIDELINES AND CRITERIA  
GOVERNING TAX ABATEMENT AGREEMENTS AND STATING THE INTENT OF  
THE CITY OF EL PASO, TEXAS, TO CONTINUE PARTICIPATING IN  
TAX ABATEMENT AND RELATED MATTERS**

WHEREAS, the Property Redevelopment and Tax Abatement Act, Chapter 312, TEX. TAX CODE ANN. (West 2000), as amended ("the Act"), provides criteria regarding the adoption and utilization of guidelines for a tax abatement program; and

WHEREAS, the City of El Paso desires to adopt guidelines and criteria governing tax abatement agreements in accordance with the Act;

WHEREAS, the City of El Paso intends to continue participating in tax abatement;

**NOW, THEREFORE , BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT:**

The City Council adopts the following Guidelines and Criteria with respect to tax abatement agreements entered into by the City of El Paso, Texas:

1. Eligibility. In order to qualify for abatement of taxes, a reinvestment zone will be created by ordinance. The reinvestment zone must be in conformance with the City's Comprehensive Plan and Zoning Ordinances, be eligible for Tax Abatement under the City of El Paso's Tax Abatement Policy and must meet one or more of the following criteria:

- (a) The area's present condition must substantially impair or arrest the sound growth of the City, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures; predominance of defective or inadequate sidewalks or streets; faulty size, adequacy, accessibility, or usefulness of lots; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair market value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions; or,
- (b) The area is predominantly open and, because of obsolete platting or deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City; or,
- (c) The area is located entirely within an area which meets the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974; or
- (d) The area is designated a local or state-federal enterprise zone under the Texas enterprise Zone Act; or
- (e) The area is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City of El Paso.

2. General Terms. Within reinvestment zones designated by the City Council of the City of El Paso for tax abatement, and pursuant to the terms and conditions set forth in paragraphs (a) and (b) below, the City Council will consider the abatement of property taxes on "Eligible Personal Property" and "Eligible Real Property" (as these terms are defined herein) as assessed by the Central Appraisal District during the term of the respective abatement agreement. The term "Eligible Real Property" shall be defined to mean the improvements existing on the land. The term "Eligible Personal Property" shall be defined to mean the machinery, equipment, trade fixtures, and other personal property, and excluding inventory and the land upon which such improvements are situated.

- (a) Term. Terms of abatement agreements may not exceed ten (10) years.
- (b) Percentage of Abatement. When a building is constructed or rehabilitated within a designated reinvestment zone, the City Council may contract for the abatement of Eligible Property taxes in an amount not to exceed one hundred percent (100%) of the value of the improvements to the Eligible Real Property and one hundred percent (100%) of the Eligible Personal Property, subject to the rights of holders of outstanding bonds of the City of El Paso and subject, further, to limitations on the maximum abatement percentages for particular categories of reinvestment zones, as specified in policies adopted for such zones.

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3. Policy - Reinvestment Zone Categories. Policies pertaining to tax abatement for projects in the Downtown El Paso area and for commercial and industrial projects in reinvestment zones outside the Downtown area are hereby adopted. Such policies are contained in "Tax Abatement Policy for Downtown Redevelopment," a copy of which is attached hereto as Exhibit "A," and "Tax Abatement Policy for Commercial and Industrial Projects," a copy of which is attached hereto as Exhibit "B."

4. Revaluation. During the period of any abatement agreement, the Eligible Real and Personal Property tax abatement authorized by the City Council shall be applied in the event there is a revaluation of the property by the Central Appraisal District. In such event, the tax abatement authorized by the City Council shall be applied proportionately to any increase or any decrease in the tax rate during the period of the agreement.

5. Recapture. Should the terms of an agreement between the City of El Paso and the owner of property located within a reinvestment zone be abrogated by the property owner, the City Council may, in its discretion, require the property owner to repay all or a portion of the property taxes abated pursuant to the agreement.

6. Modification of Agreements. At any time before the expiration of an agreement, it may be modified so as to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification(s) must be made by the same procedure by which the original agreement was approved and executed. Any agreement made pursuant to the Guidelines and Criteria may be terminated by the mutual consent of the parties in the same manner that the agreement was approved and executed.

7. Effective Term. The Guidelines and Criteria governing tax abatement agreements as herein set forth and contained shall be effective for a period of two (2) years from the date of adoption; and, during such two (2) year period may not be amended or repealed except by the vote of three-fourths (3/4) of the City Council.

8. Election. Pursuant to the requirements of the Act, it is hereby declared and stated that the City of El Paso elects to become eligible to participate in tax abatement.

9. Severability. The terms and provisions of the Resolution are severable and, in the event that any provision (or provisions) of this Resolution is subsequently determined to be unenforceable for any reason, the remaining provisions of said Resolution shall remain in full force and effect from and after the date of the initial passage of said Resolution by the City Council of the City of El Paso.

Mr. Roberto Franco, Economic Development, asked Council Members to approve the general shell of the Tax Abatement Guidelines with the policy on Commercial and Industrial Tax Abatement. He explained that the shell would allow Council Members to review and choose abatements.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve the above Resolution.

.....

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Contract by and between the City of El Paso and Texas Commerce Bank - El Paso, NA, Independent Executor and Trustee Under the Will of Mary White Boykin, Deceased, amending the Contract imposed by Ordinance 008929 dated February 17, 1987, to release the restrictions only as it pertains to a 4.031 portion of the original rezoned property located within a portion of G. A. WILSON SURVEY NO. 91 and S. A. MAVERICK SURVEY NO. 174, City of El Paso, El Paso County, Texas, as further described in Exhibit "A" to said Amendment, and currently owned by the City of El Paso. (Exhibit on file with this Resolution in the City Clerk's office)

Representative Cobos commented that this area is within the Keystone Park.

Representative Sumralf asked if Representative Cobos had spoken with any representatives with the Keystone Heritage Park organization.

Representative Cobos explained that he had spoken with Mr. Bernie Sargeant and had faxed him information.

Mr. Bernie Sargeant was not available to answer questions.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to appoint the following individuals to the Community Center Board of Trustees as recommended by the Community Center Screening Committee.

One year appointment—consumer or family member of a consumer—one appointment:  
James B. Herendeen, Ph.D.

One year appointment—at large qualification—one appointment:  
William M. Boushka, M.D.

Two year appointment—professional qualification—one appointment:  
Claudia C. Gallardo, R.N.

Representative Sariñana explained that the City has been working on this issue for a long time and is ready move forward on it.

Representative Cobos asked if any candidates were available. No one responded.

Ms. Elaine Hengen, Assistant City Attorney, explained that the Agreement with the City, County and the Hospital District states that three appointments must be made. She stated that the recommendations were listed in alphabetical order and that the Screening Committee did not rank any of the candidates. She explained that the Agreement requires the appointments be made by June, 30; however, the County nor the Hospital District have yet made their appointments and will not do so until after the June 30<sup>th</sup> date.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Karina Barron to use Veterans Park Pavilion from 7:30 PM until 10:30 PM on July 22, 2001 for a Quinceañera. Fee: \$92.50
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include Tompkins Road from Fort Boulevard to Gateway South Boulevard, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD ON JULY 10, 2001 FOR ITEMS A - B**

- C. An Ordinance changing the zoning of a Portion of Tracts 3 and 4, Township 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, (at Saul Kleinfeld Drive and Robert Wynn Street) from Q/sc/sp Quarry/ special conditions/special permit) to A-2/sc (Apartment/special conditions), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Jobe Concrete Products, Inc./Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-01020.
- D. An Ordinance changing the zoning of Portions of Tracts 2-5C7 and 2-5C8, Block Two, Ascarate Grant, (6375 Montana Avenue) from A-1/sp (Apartment / Special Permit) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: K-Mart, Inc./Representative: Faught & Associates, Inc., 433 Executive Center Blvd., El Paso, TX 79902. ZC-01025.

**PUBLIC HEARING WILL BE HELD ON JULY 17, 2001 FOR ITEMS C - D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
**ADDITION TO THE AGENDA**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to accept on behalf of the City of El Paso, a donation of twenty-nine (29) 12in. X 18in. historic designation lamp post signs from the El Paso Downtown Management District to be installed by the City at various downtown locations to aid in a Self-Guided Walking Tour. The donation is valued at TWO THOUSAND EIGHT HUNDRED DOLLARS (\$2,800.00).

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **RABA-KISTNER CONSULTANTS (SW), INC.**, for **"GEOTECHNICAL AND MATERIALS TESTING SERVICES (CITYWIDE)"** for a one (1) year period for an amount not to exceed **SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$750,000.00)**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **Kimley-Horn and Associates, Inc.**, for a project known as **"Pavement Rehabilitation - El Paso International Airport"** for an amount not to exceed **ONE MILLION SEVENTY-EIGHT THOUSAND FOUR HUNDRED NINETY-THREE AND 78/100 (\$1,078,493.78)**.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign an Agreement between the City of El Paso and the Training And Preparedness Support Systems for Youth (TAPSS) to establish a working and mutually beneficial relationship to provide interesting and productive training to youth participants, and to set forth the relative responsibilities of the parties insofar as they relate to the planning and implementation of individual and mutual duties, obligations, and responsibilities pursuant to the Workforce Investment Act of 1998.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Cooperative Work Study Contract between the **CITY OF EL PASO** and **HONGIE XIE** for the El Paso Water Utilities at the rate of \$12.36 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from June 29, 2001 through June 29, 2002 and is subject to the approval of the City's Civil Service Commission.

NOTE: Resolution was revised to read "Cooperative Work Study Contract" rather than Personal Services Contract as shown on the Agenda.

\*Motion made, seconded and unanimously carried to approve the request of Ministerios Llamada Final to use amplification (3 microphones, 2 amplifying) at Washington Park on June 30 from 10:00 a.m. to 4:00 p.m. and on July 1, 2001 from 1:00 p.m. to 6:00 p.m. Approximately 500 to 600 person will use amplification and 100 spectators are anticipated. Permit No. 01-081

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Employee Pension Contributions, 00-C-305
- B. Michael Draper vs. City of El Paso, et. al., Cause No. 97-4063
- C. Maria Huerta, et al vs. Officer Dirk Hiltl, et al; Cause No. EP-00-CA-0375-EP
- D. Joseph Thomas, Jr., 99-PD-6-1H
- E. Delbert Leavitt, Jr., et al vs. City of El Paso, No. 00-50636

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
 Motion made by Representative Medina, seconded by Representative Cook and carried that the Mayor AUTHORIZE the CITY OF EL PASO to reimburse the City of El Paso Employees' Pension Fund and the El Paso Firemen and Policemen's Pension Fund, employee's contributions and interest that were not collected, in the claim entitled Employee Pension Contributions, Our File No. 00-C-305, as recommended by the City Attorney.

.....  
 Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be AUTHORIZED TO PURSUE APPEAL in the lawsuit entitled MICHAEL DRAPER vs. CITY OF EL PASO, et. al., Cause No. 97-4063; Our File No. 98-S-04, as recommended by the City Attorney.

.....  
 Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be AUTHORIZED SETTLEMENT AUTHORITY in the lawsuit entitled MARIA HUERTA, et al vs. OFFICER DIRK HILTL, et al; Cause No. EP-00-CA-0375-EP; Our File No. 00-S-52, as recommended by the City Attorney.

.....  
 Motion made by Representative Medina, seconded by Representative Cook and carried that claim entitled JOSEPH THOMAS, JR.; Our File No. 99-PD-6-1h, be SETTLED as recommended by the City Attorney and that the Mayor be authorized to sign a property damage release to discharge Joseph Thomas and GEICO.

Representative Medina voted Nay.

.....  
 No action was taken regarding Delbert Leavitt, Jr., et al vs. City of El Paso, No. 00-50636

.....  
 Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 1:45 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter  
 Carole Hunter, City Clerk

  
 Rita Rodriguez, First Assistant City Attorney

